

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 02, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICKY VILLALOBOS (1); FAYE
CARIVEAU (2); SAUL A.
GARANZUAY (3); and KELLY JOHN
LEE (4),

Defendants.

No. 4:24-CR-06018-MKD-1
4:24-CR-06018-MKD-2
4:24-CR-06018-MKD-3
4:24-CR-06018-MKD-4

ORDER GRANTING
DEFENDANT'S MOTIONS TO
CONTINUE AND EXPEDITE, AND
FOURTH CASE MANAGEMENT
ORDER

ECF Nos. 134, 136

Before the Court are Defendant Vicky Villalobos (1)'s Motion to Continue Pretrial and Trial, ECF No. 134, and related Motion to Expedite, ECF No. 136. Defendant Villalobos (1) states a continuance in this matter is necessary to review discovery, investigate the United States' allegations, and prepare a competent defense. Specifically, Christine Bennett was appointed to represent Defendant Villalobos (1) on February 10, 2025, and the Court approved an expert witness for Defendant Villalobos (1) on April 16, 2025. *Id.* at 2. No Defendants object to the continuance and all Defendants have filed a Waiver of Speedy Trial Rights,

1 accompanied by a Statement of Reasons, in support of the motion. ECF Nos. 135,
2 143, 144, 145. The United States does not object to a continuance in this matter.
3 ECF No. 134 at 2.

4 The Court has reviewed the file and is fully informed. The Court finds that,
5 taking into account the exercise of due diligence, the current trial date of June 2,
6 2025, would deprive defense counsel of adequate time to obtain and review
7 discovery and conduct effective preparation. 18 U.S.C. § 3161(h)(7)(B)(iv). The
8 Court notes that all defendants are joined for trial, no Defendant has objected to the
9 continuance, and no Defendant has sought severance. Therefore, the Court finds
10 that the ends of justice are served by a continuance in this matter and further that
11 the ends of justice served by a continuance outweigh the best interests of the public
12 and Defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

13 **Counsel is advised that absent exceptional circumstances no further**
14 **continuances will be granted.**

15 Accordingly, **IT IS HEREBY ORDERED:**

16 **1.** Defendant Vicky Villalobos (1)'s Motion to Continue Pretrial and
17 Trial, **ECF No. 134**, is **GRANTED**.

18 **2.** Defendant Vicky Villalobos (1)'s Motion to Expedite, **ECF No. 136**,
19 is **GRANTED**.

20 **3.** The current trial date of **June 2, 2025**, is **STRICKEN** and **RESET**

1 for **November 3, 2025, at 9:00 a.m.**, commencing with a final pretrial
2 conference at **8:30 a.m.** Trial shall take place in **Richland**, Washington.

3 **4.** The pretrial conference set for **May 15, 2025**, is **STRICKEN** and
4 **RESET** for **October 16, 2025, at 2:30 p.m.** in **Richland**, Washington.

5 **5.** Counsel for defense shall notify Defendants of all hearings and ensure
6 their attendance at court.

7 **6. Local Criminal Rules.** Counsel shall comply with the Eastern
8 District of Washington Local Criminal Rules of Procedure (LCrR), except
9 where specifically modified below or by subsequent Order.

10 **7. Emailing the Court.** Where this Order requires counsel to email
11 documents to the Court, all documents shall be attached to the email in
12 Microsoft Word (.doc/.docx) or rich-text (.rtf) format. The subject line of
13 each email shall be formatted as follows:

14 **[Case No.]; [Case Name]; [Title of Document]**

15 (e.g.: 13-cr-9999-MKD; USA v. Doe; Trial Brief)

16 **8. Discovery**

17 **A.** All discovery documents must be Bates-stamped with a unique
18 identifier and must be produced digitally in a text-searchable
19 format. The Court will grant relief from this requirement only
20 in exceptional circumstances, upon motion and good cause

1 shown.

2 **B.** Production of discovery shall be governed by Local Criminal
3 Rule 16. *See* LCrR 16.

4 **C.** The Court presumes a request for discovery and disclosure
5 under Federal Rules of Evidence 404(b), 608(b), and 609,
6 *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*,
7 405 U.S. 150 (1972), *United States v. Henthorn*, 931 F.2d 29
8 (9th Cir. 1991), and their progeny, and as such these items are
9 ordered disclosed by the deadline set forth in Local Criminal
10 Rule 16.

11 **D.** At arraignment or within 14 days thereafter, the United States is
12 required to disclose evidence relating to Defendant's guilt or
13 punishment that might reasonably be considered favorable to
14 the Defendant. *See* LCrR 16(a)(6); *see also Brady*, 373 U.S.
15 83; *United States v. Agurs*, 427 U.S. 97 (1976); Fed. R. Crim.
16 P. 5(f).¹ This is a continuing duty for newly discovered
17

18 ¹ Nothing in this requirement enlarges or diminishes the United States' obligation
19 to disclose information and evidence to the Defendant under *Brady* and its
20 progeny.

evidence. LCrR 16(c); *see also* ECF Nos. 59, 60, 62, 63.

E. Pursuant to Federal Rule of Criminal Procedure 16(d)(2), failure to comply may result in an order permitting the discovery or inspection; granting a continuance; or any other order that is just under the circumstances (including contempt, sanctions, referral to a disciplinary authority, dismissal of charges, exclusion of evidence or witnesses, and adverse jury instructions).

9. Expert Witness Summaries

A. When each party produces to opposing counsel summaries of its expert witness testimony for which disclosure is required under Federal Rule of Criminal Procedure 16 and Local Criminal Rule 16, counsel shall also email an electronic copy of the summary to the Court at DimkeOrders@waed.uscourts.gov.

B. All summaries of expert witness testimony must conform to Federal Rule of Criminal Procedure 16, Local Criminal Rule 16, and applicable case law interpreting those Rules. The Court will not permit an expert witness to testify about opinions which are not explicitly expressed in that expert's summary. *See, e.g., United States v. W.R. Grace*, 526 F.3d 499 (9th Cir.

2008).

10. CM/ECF Technical Assistance. Parties requiring technical assistance concerning the CM/ECF system, such as the procedures for filing non-scannable exhibits, shall consult the District’s “Electronic How To” page (<https://www.waed.uscourts.gov/electronic-how>) or contact the CM/ECF Help Desk by phone at (866) 236-5100 or (509) 458-3410 or by email at ecfinfo@waed.uscourts.gov. Inquiries requesting technical assistance concerning the CM/ECF system shall not be directed to the Judge’s chambers.

11. Motions Practice

A. *Generally.* All motions shall either be: a) noted for hearing without oral argument fourteen (14) days after filing, or b) noted for hearing with oral argument at the pretrial conference pursuant to Local Criminal Rule 12(c). Responses and replies to motions must be filed in accordance with Local Criminal Rule 45 and 47, which incorporate the requirements of Local Civil Rule 7.1.

B. *Expedited Hearing.* Any party seeking an expedited hearing on a time-sensitive matter must comply with Local Criminal Rule 12(c)(3).

1 C. If a case has more than one defendant, the Court will construe
2 any motion, including motions to continue, as applying to *all*
3 defendants, unless that defendant indicates they do not wish to
4 be joined in the motion. **Defendants thus do not need to file**
5 **motions to join. Any Defendant wishing to opt out of a**
6 **motion shall file a notice so stating within seven days of the**
7 **filing of the motion.**

8 D. *Sealed Documents.* Any and all sealed documents shall be
9 filed by the parties under the sealed event as a sealed document.
10 The parties are not required to file a separate motion to seal a
11 document. The parties shall file any objections to a sealed
12 document by no later than five days after the filing of the sealed
13 document. The Court will thereafter review the sealed
14 document and any objections filed to determine whether the
15 document should be unsealed. Any party filing a sealed
16 document shall email DimkeOrders@waed.uscourts.gov to
17 inform the Court of the filing. The email shall note the ECF
18 number of the sealed document and the general nature of the
19 document.
20

1 **12. Witness Testimony.** At any hearing, including trial, in which witness
2 testimony is given, the witness must testify in Court. Absent exceptional
3 circumstances, a testifying witness may not appear by telephone or video
4 conference.

5 **13. Trial Continuances**

6 **A. Motion Deadline.** All motions to continue the trial must be
7 heard before or at the pretrial conference. **Any motion to**
8 **continue trial made after the pretrial conference has**
9 **occurred will not be granted absent exceptional**
10 **circumstances.**

11 **B. Statement of Reasons.** If the Defendant seeks a continuance, a
12 Speedy Trial Waiver and Statement of Reasons in support of
13 the motion to continue must be filed contemporaneously with
14 the motion.² The Statement of Reasons must 1) be signed by
15 the Defendant, 2) be signed by a certified translator, if
16

17 ² The Court's Speedy Trial Waiver and Statement of Reasons form can be found at
18 the following link:

19 [https://www.waed.uscourts.gov/sites/default/files/forms/Speedy%20Trial%20Waiv](https://www.waed.uscourts.gov/sites/default/files/forms/Speedy%20Trial%20Waiver%205-13-22.docx)
20 [er%205-13-22.docx](https://www.waed.uscourts.gov/sites/default/files/forms/Speedy%20Trial%20Waiver%205-13-22.docx)

1 applicable, and 3) indicate the latest date upon which Defendant
2 is willing to proceed to trial. **The Court requests that the**
3 **Speedy Trial Waiver and Statement of Reasons extend two**
4 **weeks past the new proposed trial date.**

5 **C. *Procedure.*** Before filing a motion to continue, counsel shall
6 first contact the Courtroom Deputy at (509) 943-8172 to obtain
7 new pretrial conference and trial dates consistent with the
8 length of the requested trial continuance. Thereafter, counsel
9 shall confer with opposing counsel regarding case management
10 deadlines³ consistent with the new pretrial conference and trial
11 date. **All motions to continue must include proposed case**
12 **management deadlines (either joint or individual) to ensure**
13 **the to-be-imposed deadlines are best suited to this case.**

14 **14. Pretrial Conference**

15 **A.** The Pretrial Conference is scheduled as indicated in the
16

17 ³ A form with the Court's standard case management deadlines can be found at the
18 following link:

19 <https://www.waed.uscourts.gov/sites/default/files/forms/Proposed%20CMO%20D>
20 [ates%20for%20Public%20Website.docx](https://www.waed.uscourts.gov/sites/default/files/forms/Proposed%20CMO%20D%20for%20Public%20Website.docx)

Summary of Deadlines below. At this hearing, the Court will hear **ALL** pretrial motions that are noted for oral argument.

B. All pretrial conferences are scheduled to last no more than **thirty (30) minutes**, with each side allotted **fifteen (15) minutes** to present their own motions and resist motions by opposing counsel. If any party anticipates requiring longer than fifteen minutes, that party must notify the Courtroom Deputy at least seven (7) days prior to the hearing. **Any party who fails to provide this notice will be limited to fifteen (15) minutes.**

C. If a motion is to be heard with oral argument, and a party plans to call witnesses or present exhibits, that party must file an exhibit and/or witness list by no later than **72 hours** before the hearing on the motion.

D. If a party intends to use a laptop, thumb drive, or DVD or CD for presentation of documents, or audio or video recordings, that party must contact the Courtroom Deputy at least **one week** prior to the hearing and confirm the compatibility of the technology and equipment.

E. If a party intends to use a demonstrative exhibit, such as a PowerPoint presentation, it must be submitted to the Court and

all opposing parties at least **24 hours** prior to its intended use.

15. Exhibit Lists

A. On the date set forth in the Summary of Deadlines, after conferring with counsel, each party shall file a list of exhibits the party intends to introduce at trial. Each party shall also email copies of their exhibit list to the Court at DimkeOrders@waed.uscourts.gov.

The parties shall provide their exhibit list in the following format:

Ex. #	Admitted	Description
1		Photograph of items seized
2		Aerial video surveillance from 1/1/2011. Start Time: 01:03:23 End Time: 01:09:54

Exhibit lists shall include a unique exhibit number and a brief description of the exhibit. For all exhibits consisting of an audio or video file, the exhibit list must designate the precise beginning and ending time indexes of the portion of the file the party intends to use at trial.

1 **B.** The United States shall consecutively number their exhibits
2 from **1 to 999**. In single-defendant cases, Defendant shall
3 consecutively number exhibits from **1000 to 1999**; in multi-
4 defendant cases, Defendants shall consecutively number
5 exhibits from x000 to x999, substituting “x” for each
6 Defendant’s assigned case identifier (e.g., Defendant 3 would
7 number exhibits from 3000 to 3999, etc.). Exhibits shall be
8 pre-marked for identification before trial commences.

9 **16. Witness Lists.** On the date set forth in the Summary of Deadlines,
10 after conferring with counsel, each party shall file and serve a list of
11 witnesses that party intends to call to testify at trial. **The witness list must**
12 **identify the existence, but need not include the name, of any confidential**
13 **informant (CI) the United States intends to call to testify.** Parties shall
14 email copies of their witness list to the Court at
15 DimkeOrders@waed.uscourts.gov.

16 **17. Trial Briefs, Proposed Jury Instructions and Verdict Form, and**
17 **Requested Voir Dire.** On the date set forth in the Summary of Deadlines,
18 after conferring with counsel, each party shall file a trial brief, proposed jury
19 instructions and verdict form, and requested voir dire, in accordance with the
20

1 requirements below. Each party shall email copies to the Court at

2 DimkeOrders@waed.uscourts.gov.

3 A. ***Trial Briefs.*** Trial briefs shall not exceed twenty (20) pages
4 without prior Court approval, upon motion and good cause
5 shown.

6 B. ***Proposed Jury Instructions and Verdict Form.*** Jury
7 instructions shall 1) address issues that are unique to the case,
8 and 2) include instructions regarding the elements of each
9 charge or defense. If a Ninth Circuit Model Jury Instruction
10 exists for a particular charge or defense, the parties shall
11 provide the model instruction or shall submit argument as to
12 why the instruction is inadequate or no longer supported by
13 law. Proposed jury instructions shall be accompanied by a
14 proposed verdict form. **The parties must confer to develop**
15 **joint proposed jury instructions and the verdict form.** The
16 Court will only accept an individual party's proposed jury
17 instructions on those points/issues upon which the parties could
18 not agree, and only if the party's memoranda accompanying the
19 individually-proposed instruction(s) sets forth the legal
20 authority and justification for why the instruction is necessary.

1 **C. *Requested Voir Dire.*** The parties may request that the Court
2 include specific questions during the Court’s standard voir dire.
3 Requested voir dire shall not duplicate information elicited in
4 the Clerk’s Office Jury Questionnaire (“COJQ”) and the
5 Court’s Criminal Jury Trial Procedures Letter.

6 **18. Exhibit Binders.** On the date set forth in the Summary of Deadlines,
7 after conferring with counsel, each party must provide to all other parties
8 and to the Court a Bates-stamped copy of all trial exhibits — or, in the case
9 of physical exhibits, a photograph or other reproduction of the exhibit — the
10 party intends to introduce at trial. All trial exhibits shall be organized
11 sequentially by exhibit number in a three-ring binder.

12 **19. JERS**

13 **A.** The Court utilizes the Jury Evidence Recording System (JERS),
14 a system that makes electronic evidence available in the jury
15 room during deliberations. **Counsel shall promptly consult**
16 **the Court’s “JERS Instructions for Attorneys”⁴ to ensure**

18 ⁴ This document can be found on the Court’s public website at the following link:
19 [https://www.waed.uscourts.gov/sites/default/files/support/jers_basics_for_lawyers](https://www.waed.uscourts.gov/sites/default/files/support/jers_basics_for_lawyers%207.2024.pdf)
20 [%207.2024.pdf](https://www.waed.uscourts.gov/sites/default/files/support/jers_basics_for_lawyers%207.2024.pdf)

1 **they acquire, retain, and provide evidence to the Court in**
2 **the necessary format.**

3 **B.** On the date set forth in the Summary of Deadlines, after
4 conferring with counsel, each party who intends to introduce
5 evidence at trial must supply a CD, DVD, or USB drive to the
6 Courtroom Deputy containing all of that party's exhibits in the
7 required format. Counsel may contact the Courtroom Deputy at
8 (509) 943-8172 with any questions.

9 **20. Trial Notices.** On the date set forth in the Summary of Deadlines,
10 after conferring with counsel, each party shall file a notice that indicates the
11 amount of time requested for opening statement and for voir dire. In
12 addition, defense counsel must indicate if his/her client waives presence at
13 sidebar and jury questions.

14 **21. Technology Readiness Meeting.** On the date set forth in the
15 Summary of Deadlines, any party seeking to offer video or audio evidence at
16 trial must meet with Court staff at the location of the trial to verify
17 compatibility with the Court's presentation systems. The parties shall
18 contact the Courtroom Deputy at (509) 943-8172 to arrange this meeting.

22. Summary of Deadlines

United States' Expert Disclosures	July 11, 2025
Defense Expert Disclosures	August 11, 2025
All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i>, filed	September 1, 2025
Responses:	September 8, 2025
Replies:	September 15, 2025
PRETRIAL CONFERENCE	October 16, 2025
<i>Deadline for motions to continue trial</i>	2:30 p.m. - RICHLAND
CIs' identities and willingness to be interviewed disclosed to Defendant (if applicable)	October 20, 2025
Grand jury transcripts produced to Defendant	
Case Agent:	
CIs:	October 20, 2025
Other Witnesses:	
Exhibit lists filed and emailed to the Court	October 20, 2025
Witness lists filed and emailed to the Court	October 20, 2025
Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	October 20, 2025
Exhibit binders delivered to all parties and to the Court	October 27, 2025
Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	October 27, 2025
Trial notices filed with the Court	October 27, 2025
Technology readiness meeting (in-person)	October 27, 2025
FINAL PRETRIAL CONFERENCE	November 3, 2025
	8:30 a.m. - RICHLAND
JURY TRIAL	November 3, 2025
	9:00 a.m. - RICHLAND

23. A Waiver of Speedy Trial Rights, accompanied by a Statement of

Reasons, has been signed and filed by Defendants Villalobos (1), Cariveau

(2), Garanzuay (3), and Lee (4). **ECF Nos. 135, 143, 144, 145.** All time from the current trial date of **June 2, 2025**, to the new trial date of **November 3, 2025**, is **EXCLUDED** for Defendants Villalobos (1), Cariveau (2), Garanzuay (3), and Lee (4) for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(7).

24. All time from the filing of Defendant Villalobos (1)'s Motion to Continue on **April 17, 2025**, to the date of the disposition of the motion on **May 2, 2025**, is **EXCLUDED** for Defendants Villalobos (1), Cariveau (2), Garanzuay (3), and Lee (4) for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(1)(D).

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

DATED May 2, 2025.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES DISTRICT JUDGE